



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E-6
6/9/06

JUN 09 2006

REPLY TO THE ATTENTION OF:

RRG Clayton Chemical Site

BY CERTIFIED MAIL

Marc K. Poppe, President
Universal Packaging, Corp.
3645 Tree Court Industrial Blvd.
St. Louis, MO 63122



RE: General Notice of Potential Liability Letter for the RRG/Clayton Chemical Company Superfund Site, 1 Mobile Avenue, Sauget, Illinois to Non-Cooperating PRPs and a notice to participate with ongoing site clean up activities.

Dear Sir :

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

On October 28, 2005, U.S. EPA issued an Administrative Settlement Agreement and Order (Order) on Consent for a Removal action at the Site. The cooperating Responsible parties under the Order are currently planning to conduct (or conducting) the following actions at the above referenced facility:

1. Site inspection and creation of a Site health and safety plan;
2. Development and implementation of a Site security plan;

3. Characterization, removal and proper disposal of hazardous substances and wastes in accordance with the Work Plan for the Site;
4. Conduct other related and required activities pursuant to the Order;
5. Conduct and implement other such activities at the Site under the direction of the U. S. EPA On-Scene-Coordinator, as necessary and incidental to implementation and completion of the Site work.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within five (5) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

William Ryczek
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

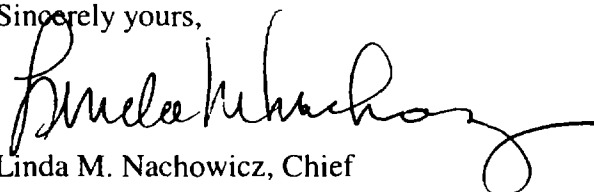
Further, please be aware that U.S. EPA has committed to working with the PRP group that is performing the removal action for hazardous soils under the above mentioned October 2005 Order, and will issue CERCLA 106 unilateral orders for participation and coordination in the hazardous soils clean up activities at the Site to all viable parties that meet the requirements of the CERCLA statute. See 42 U.S.C. Section 9606.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Tom Turner, Associate Regional Counsel of the U.S. EPA Office of Regional Counsel at (312)886-6613.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Linda M. Nachowicz, Chief
Emergency Response Branch

[Enclosure] (SBREFA information sheet)

LIST OF PRPs SENT THIS GENERAL NOTICE LETTER

Marc K. Poppe, President
Universal Packaging, Corp.
3645 Tree Court Industrial Blvd.
St. Louis, Mo 63122

Albert R. Puntureri, President
Coleman Chemical, Inc.
75 Sanger Street
Peoria, IL 61602

Harry Barto, President
Rexam Beverage Can Company
8770 W. Bryn Mawr Avenue
Chicago, IL 60631



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed through the Center's gateway at <http://www.assistancecenters.net> or by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbr.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

Three new centers are under development for the auto salvage sector, the construction industry, and U.S. Mexican border waste issues.

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>) and the Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>).

These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

YELLOW COPY

**REMOVAL PROGRAM
NOTICE LETTER
ROUTING SLIP
(REVISED FEBRUARY 2005)**

RRG Clayton Chemical Company Site (Soils Removal)
(SITE NAME)

**Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.
Do not sign this page, SIGN THE YELLOW**

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>William Ryczek</u>	<u>SE-5J</u> <u>MB</u> 6/2/06
2. ERB ON-SCENE COORDINATOR	<u>Kevin Turner</u>	<u>MB</u> for K. Turner 6/2/06
3. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u> <u>IC</u> 6/6/06
4. ORC STAFF ATTORNEY	<u>Tom Turner</u>	<u>C-14J</u>
5. EESS SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
6. EESS Acting SECTION CHIEF	<u>Ross Del Rosario</u>	<u>SE-5J</u> 6/8/06
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB BRANCH CHIEF	<u>Linda Nachowicz</u>	<u>SE-5J</u> 6/9/06
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: JUN 09 2006




**REMOVAL PROGRAM
NOTICE LETTER
ROUTING SLIP
(REVISED FEBRUARY 2005)**

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(SITE NAME)

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3. EESS SECRETARY	<u>Akimi Cheng</u> _____	<u>SE-5J</u> ✓
4. ORC STAFF ATTORNEY	<u>Tom Turner</u> <u>C-14J</u>	✓
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6. EESS Acting SECTION CHIEF	<u>Ross Del Rosario</u> 	<u>SE-5J</u>
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u> 	<u>SE-5J</u>
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DATE MAILED TO PRPs: JUN 09 2006

. bcc: [Ton Turner Attorney], ORC (C-14J)
[Kevin Turner OSC], (SE-5J) or (SE-GI) or (B-2)
John Maritote, EESS (SE-5J)
[William Ryczek Enforcement Specialist], EESS (SE-5J)
Denise Battaglia, Public Affairs (P-19J)
Michael T. Chezick, Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106
Alicia Corley, SETS (OS505)
Richard Hackley, PAAS (MF-10J)
Records Center (SMR-7J)

[If the Site has Federal PRPs, a bcc should also go to:]

U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986